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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/603,514 | 06/23/2000 | Gregory D. Mills | P/3331-138 | 9916 |

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EXAMINER

AKERS, GEOFFREY R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3624

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/603514

Applicant(s)

Mills

Examiner

Hors G

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/1/03
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-64 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 15 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. This action is issued in reply to applicant's Amendment B(Paper #13) filed 12/1/03.
2. Claims 1-5,7-8,12-36,48-54,59,62 were amended. New claims 63-64 were added.
3. Claims 1-64, including newly added and amended claims, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-64 including newly added and amended claims are rejected under 35 USC 103(a) as unpatentable over Howorka(US Pat. No: 6,282,521) in view of Silverman(US Pat. No:5,136,501)("Silverman-1") and further in view of Silverman(US Pat. No: 5,924,083)("Silverman-2").
6. As per claims 1-64 Howorka teaches an anonymous trading system for trading instruments between trading parties(Abstract)(Figs 1-4).Howorka further teaches a plurality of order input devices connected to the communications network(Fig 1)(col 3 lines 30-46) and at least one matching engine connected to the network for matching bids and offers(col 3 line 59-col 4 line 34)(col 4 lines 10-16)(Fig 3) and a market distribution means for distributing orders to the trades(Fig 2)(Fig 3).Haworka further teaches an arbitrator(Fig 1) and a market access node(Fig 1).Haworka also teaches a

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credit matrix and updating it for all parties involved(Fig 3/108)(col 4 line 52-col 5 line 5). In addition to that taught by Haworka, Silverman-1 teaches a credit monitoring system in an electronic trading system for determining counterparty suitability for trading(Abstract)(Fig 20)(col 3 line 18-col 5 line 35) and which may be applied to financial instruments(col 3 lines 18-27).Silverman-1 teaches remaining credit(Fig 20) and gross counterparty credit limits are kept anonymous(col 2 lines 43-44) and dynamically varying credit limits(col 2 lines 57-64)(col 3 line 52-67).Silverman-1 teaches that real time prices are subject to real time credit controls which may be dynamically adjusted utilizing the order book(col, 5 lines 24-35).Silverman-1 also teaches credit controls are used to determine the quantity of permissible match at the lowest(net) common credit limit(col 6 lines 38-44)(Fig 4)(Fig 5)(col 9 line 44-col 11 line 14). In addition to that taught by Silverman-1, Silverman-2 teaches a market entry interface(col 4 lines 21-30) and which may include a wide variety of financial instruments including derivatives(col 6 lines 47-61) as well as term instrument types(col 7 lines 38-49) and currency trades(col 6 lines 47-61). Silverman-2 teaches modifying credit limits during trading activities which may be the result of trade netting (col 5 lines 5-18).Silverman-2 also teaches credit information storage(Fig 2/202) and the trader entering credit information(Fig 3/301) and the host storing credit updates(Fig 3/304) and the host sending exposure updates(Fig 3/305) and the order book credit update affecting assigned key stations(Fig 3/331). It would have been obvious to one skilled in the art at the time of the invention to combine Howorka in view of Silverman-1 to teach part of the applicant's disclosure. The motivation to combine is to teach a distributed matching

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system varying real time credit control over the matching process as enunciated by Silverman-1(col 3 lines 11-15). It also would have been obvious to one skilled in the art at the time of the invention to combine Howorka in view of Silverman-1 and further in view of Silverman-2 to teach the applicant's disclosure. The motivation to combine is to teach an anonymous electronic trading system for anonymous trade credit filtering and screening system as enunciated by Silverman-2(col 2 lines 39-63).

Response to Amendment

7. Applicant's response has been considered but is moot in view of the additional grounds of rejection.

Conclusion

8. **THIS ACTION IS MADE FINAL.**

Applicant's amendment necessitated additional grounds for rejection.

9. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.


February 19, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER